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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/787,365	02/26/2004	Andrew R. Ferlitsch	SLA1455	7953
50735 7590 02/22/2010 AUSTIN RAPP & HARDMAN 170 SOUTH MAIN STREET SUITE 735 SALT LAKE CITY, UT 84101				
EXAMINER				
RAMOS, JAVIER J				
ART UNIT		PAPER NUMBER		
2625				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

usptocorrespondence@austin-rapp.com

Office Action Summary

Application No.

10/787,365

Applicant(s)

FERLITSCH, ANDREW R.

Examiner

JAVIER J. RAMOS

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-11, 13-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Claims 1-4, 6-11, 13-21 and 23-28 are pending in this application.
2. Claims 1, 11 and 17 have been amended and claim 28 has been added [1/28/10].

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/28/10 has been entered.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-3, 5, 6, 8-12, 14-20, 22, 23 and 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukai (US 6,466,329 B1) in view of Constantin et al. (US 2003/0002068 A1).**

6. In regards to claims 1 and 17, Mukai teaches a method (**Figs. 2, 3 and 5**) and a computer-readable medium for storing program data (**Fig. 1**), wherein the program data comprises executable instructions for implementing a method in a computing device (**Figs. 2, 3 and 5, the method is enacted by various hardware modules that are governed by executable code**) for providing page description language ("PDL") encapsulated image data from an imaging device (**Fig. 1, Objects 1, 22 and 85; Col. 8, Lines 14-37; Col. 9, Lines 8-20**) that includes a scanner (**Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46**), the method comprising: scanning an image using the scanner to produce scanned image data as part of a scan job (**Fig. 1, Object 400, digital scanner obtaining a scanned image; Col. 8, Lines 38-46**); obtaining document formatting inputs for the scan job from a user interface, the document formatting inputs being configurable at the user interface (**Fig. 1, Object 500, operator control panel; Col. 9, Lines 31-44, formatting inputs related to the document inputted by a user utilizing the control panel**); encapsulating the scanned image data in a page description language using the document formatting inputs for document formatting (**Col. 8, Lines 14-37; Col. 9, Lines 31-44; formatting inputs are placed onto the scanned document which is then converted into PDL format therefore retaining the attributes of the formatting inputs**), wherein the encapsulating occurs at the imaging device (**Fig. 1, Objects 1, 22 and 85; Col. 8, Lines 14-37, the printer controller controls the transformation of the image data into PDL data; Col. 9, Lines 8-20**), and wherein the formatting inputs control how the scanned image data is

framed into a document defined by the page description language (**Col. 9, Lines 31-44, formatting inputs are placed onto the scanned document which is then converted into PDL, namely the enlargement/reduction attribute will affect how the image data is framed into the document**); and transmitting the page description language to a computing device from the imaging device (**Fig. 1, Object 600, network interface; Col. 7, Lines 19-22, the PDL based image data is transferred to a database server; Col. 9, Lines 31-35**).

It is noted, however, that Mukai does not specifically teach wherein the document formatting inputs comprise copy function options usable with the scan job.

In analogous art, Constantin teaches wherein the document formatting inputs comprise copy function options usable with the scan job (**[0026], documents can be scanned with predetermined copier settings such as brightness, contrast, resolution, graphic, text or combined graphic and text image**).

Mukai teaches a base method of processing image data from an imaging device upon which the claimed invention can be seen as an improvement. The prior art of Constantin contains a known technique of adding increased options to allow a user to control the processing of a document, that is applicable to the base method of Mukai. One of ordinary skill in the art, at the time of the invention, would have recognized that applying the known technique of Constantin to the method of Mukai would have yielded predictable results and the results would have improved the method of Mukai by expanding user control of the processing of image data (**Constantin: [0002] and [0026]**). See MPEP §§ 2141 & 2143.

7. In regards to claims 2 and 19, Mukai teaches the document formatting inputs are obtained from a control panel on the imaging device (**Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44**).
8. In regards to claims 3 and 20, Mukai teaches the document formatting inputs are obtained from a local user interface (**Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44**).
9. In regards to claims 6 and 23, Mukai teaches the imaging device is a multi-function peripheral (**Fig. 1, Object 1, digital multi-function peripheral**).
10. In regards to claims 8, 14 and 25, Mukai teaches the imaging device comprises a multi-function peripheral (**Fig. 1, Object 1, digital multi-function peripheral**), wherein the document formatting inputs are obtained from a control panel on the multi-function peripheral (**Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44**) and wherein the control panel is also used for a user input for a copy function of the multi-function peripheral (**Col. 9, Lines 36-44**).
11. In regards to claims 9, 15 and 26, Mukai teaches the page description language is a language selected from the group consisting of a portable document format (PDF),

postscript (PS), printer control language (PCL), HP GL/2, IBM IPDS, IBM SCS, Epson EscP and DDIF (**Col. 2, Lines 33-42**).

12. In regards to claims 10, 16 and 27, Mukai teaches the page description language comprises document wide properties, page delimitation properties, page properties and one or more drawing elements (**Col. 2, Lines 33-43; Col. 9, Lines 31-44; the formatting inputs are placed onto the scanned document which is then converted into PDL format therefore retaining the attributes of the formatting inputs**).

13. In regards to claim 11, Mukai teaches an imaging device that comprises a scanner (**Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46**), wherein the imaging device provides page description language ("PDL") encapsulated image data (**Fig. 1, Objects 1, 22 and 85; Col. 8, Lines 14-37; Col. 9, Lines 8-20**), the imaging device comprising: a processor for control of the imaging device (**Fig. 1, Objects 200, 300, 700 and 800**); memory in electronic communication with the processor (**Fig. 1, Object 90**); a scanner in electronic communication with the processor (**Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46**); a control panel for operation of the imaging device by a user, wherein the control panel is in electronic communication with the processor for receiving user inputs (**Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44**); and executable instructions executable by the processor (**Figs. 2, 3 and 5, the method is enacted by various hardware modules that are governed by executable code**), wherein the instructions are executable to: scan an image using the

scanner to produce scanned image data as part of a scan job (**Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46**); obtain document formatting inputs for the scan job from the control panel, the document formatting inputs being configurable at the user interface (**Fig. 1, Object 500, operator control panel; Col. 9, Lines 31-44, formatting inputs related to the document inputted by a user utilizing the control panel**); and encapsulate the scanned image data in a page description language using the document formatting inputs for document formatting (**Col. 8, Lines 14-37; Col. 9, Lines 31-44; formatting inputs are placed onto the scanned document which is then converted into PDL format therefore retaining the attributes of the formatting inputs**), wherein the encapsulating occurs at the imaging device (**Fig. 1, Objects 1, 22 and 85; Col. 8, Lines 14-37, the printer controller controls the transformation of the image data into PDL data; Col. 9, Lines 8-20**), and wherein the formatting inputs control how the scanned image data is framed into a document defined by the page description language (**Col. 9, Lines 31-44, formatting inputs are placed onto the scanned document which is then converted into PDL, namely the enlargement/reduction attribute will affect how the image data is framed into the document**).

It is noted, however, that Mukai does not specifically teach wherein the document formatting inputs comprise copy function options usable with the scan job.

In analogous art, Constantin teaches wherein the document formatting inputs comprise copy function options usable with the scan job ([0026], documents can be

scanned with predetermined copier settings such as brightness, contrast, resolution, graphic, text or combined graphic and text image).

Mukai teaches a base method of processing image data from an imaging device upon which the claimed invention can be seen as an improvement. The prior art of Constantin contains a known technique of adding increased options to allow a user to control the processing of a document, that is applicable to the base method of Mukai. One of ordinary skill in the art, at the time of the invention, would have recognized that applying the known technique of Constantin to the method of Mukai would have yielded predictable results and the results would have improved the method of Mukai by expanding user control of the processing of image data **(Constantin: [0002] and [0026])**. See MPEP §§ 2141 & 2143.

14. In regards to claim 18, Mukai teaches the image data is obtained from a scanner of the imaging device **(Fig. 1, Object 400, digital scanner; Col. 8, Lines 38-46)**.

15. In regards to claim 28, Mukai, as modified by Constantin, teaches wherein page description language transmitted is identical to that which would have been obtained if the original operation was a copy job instead of a scan job **(Constantin teaches utilizing copying setting in a scan job in [0026] and therefore if copier setting are used in the modified system of Mukai, then the output PDL will be the same as it would be if a copy job was selected with the same settings. Please see the**

discussion below in the Response to Arguments section explaining the claim interpretation by the Examiner.).

16. Claims 4 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukai (US 6,466,329 B1) in view of Constantin et al. (US 2003/0002068 A1), as applied to claims 1 and 17, further in view of Lavender et al. (US 2002/0114021 A1).

17. In regards to claims 4 and 21, Mukai, as modified by Constantin, teaches the document formatting inputs are obtained from a user interface (Mukai: Fig. 1, Object 500, operator control panel; Col. 9, Lines 36-44).

It is noted however, that Mukai, as modified by Constantin, does not specifically teach the document formatting inputs are obtained from a remote user interface.

In analogous art, Lavender et al. (hereafter Lavender) teaches the document formatting inputs are obtained from a remote user interface (**Fig. 1, Object 22; [0018], scanner computer is a remote user interface that sends parameters to the scanner; [0014]**).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Mukai, as modified by Constantin, by receiving document formatting inputs via a remote user interface, as taught by Lavender, in order to allow a user to control the input parameters of the imaging device from a remote location (**Lavender:**

[0018]), therefore making the formatting input operation of the imaging device independent of geographic constraints.

18. Claims 7, 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mukai (US 6,466,329 B1) in view of Constantin et al. (US 2003/0002068 A1), as applied to claims 1, 11 and 17, further in view of Bonk et al. (US 5,493,634).

19. In regards to claims 7, 13 and 24, Mukai, as modified by Constantin, teaches the document formatting inputs comprise a page size input, a scale input, a placement input, a pagination input, a page delimitation input, an orientation input and a margins input (**Mukai: Col. 9, Lines 36-44**).

It is noted however, that Mukai, as modified by Constantin, does not specifically teach a number of images per page input, a page order input, a document style input, a post collation operations input.

In analogous art, Bonk et al. (hereafter Bonk) teaches a number of images per page input, a page order input, a document style input, a post collation operations input (**Figs. 7 and 13**).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Mukai, as modified by Constantin, by adding additional document formatting inputs, as taught by Bonk, in order to increase the user's control of the final output of the scanned document within the apparatus. Further, both Mukai and Bonk

are in the same field of endeavor of printing machines that use PDL based information to print (**Mukai: Fig. 1; Bonk: Figs. 1-3B**).

Response to Arguments

20. Applicant's arguments with respect to claims 1-4, 6-11, 13-21 and 23-28 have been considered but are moot in view of the new ground(s) of rejection. The Examiner, however, would like to address certain claim limitations for the sake of compact prosecution.

21. In regards to claim 28, the Examiner wishes to note that the claim language is ambiguous as to what part of the page description language that is transmitted must be identical. For the sake of compact prosecution, the Examiner has interpreted the claim to read the general type of PDL (or mere presence of PDL with the same image settings) to read on the language of the PDL transmitted is "identical to that which would have been obtained if the original operation was a copy job instead of a scan job." If the Applicant would like to distinguish over the prior art of record, it is recommended that the claim be amended to include further detail as to what aspects of the transmitted PDL are identical between the two different modes.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAVIER J. RAMOS whose telephone number is (571)

270-3947. The examiner can normally be reached on Monday to Thursday - 9 am to 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark K. Zimmerman can be reached on (571) 272-7653. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Javier J Ramos/
Examiner, Art Unit 2625

/Mark K Zimmerman/
Supervisory Patent Examiner, Art Unit 2625